

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff

v.

Jose Armando PEREZ PADUA

AKA: Benjamin BEIVEDES

Defendant

) **Magistrate Docket No.** _____

)

)

)

) **COMPLAINT FOR**

) **VIOLATION OF:**

) **TITLE 18 U.S.C. § 1544**

) **Misuse of Passport**

)

)

)

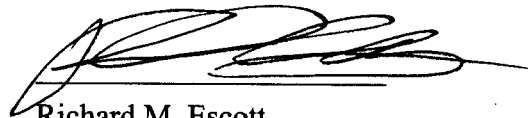
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08 FEB 19 AM 10:25
'08 MJ 0453
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about February 15, 2008, within the Southern District of California, defendant Jose Armando PEREZ PADUA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 420281551, issued in the name Benjamin BEIVEDES, to a Department of Homeland Security, Customs and Border Protection Officer, at the San Ysidro Port of Entry, knowing full well that he was not Benjamin BEIVEDES, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 19th day of February, 2008.

W. McWiney UNITED STATES MAGISTRATE JUDGE

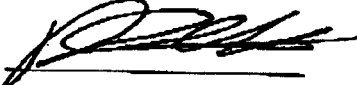
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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Jose Armando PEREZ PADUA, aka: Benjamin BEIVEDES used a US Passport issued or designed for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544.
3. On 02/15/2008, at approximately 1530 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with US Passport number 420281551, bearing the name Benjamin BEIVEDES, DPOB 03/22/1989, California, U.S.A., and a photograph that was not DEFENDANT. DEFENDANT ultimately admitted that the passport did not belong to him. DEFENDANT was sent to secondary inspection.
4. On 02/15/2008, at approximately 1645 hours, the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
5. On 02/15/2008, at approximately 1740 hours, DEFENDANT was retrieved from secondary inspection at the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted by a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Jose Armando PEREZ PADUA, DPOB, 04/11/1986, Tijuana, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that he paid a smuggler \$200 for the false US Passport bearing the name Benjamin BEIVEDES.
6. DEFENDANT admitted to using the false passport, baring the name Benjamin BEIVEDES, to apply for entry into the US on 02/15/2008, at the Ysidro Port of Entry. DEFENDANT admitted that he had been previously removed from the United States on 02/12/2008. He further admitted that he attempted to reenter the United States illegally on 02/14/2008 and was caught by US Border Patrol and returned to Mexico on the morning of 02/15/2008. He then retrieved the false passport he had purchased from a smuggler, and attempted to use it on the afternoon of 02/15/2008, at the San Ysidro Port of Entry, where he was detained. He admitted knowing that the passport was not issued or designed for his use and that it was illegal to use a US Passport in the name of another. He also stated he knew it was illegal to falsely claim to be a US Citizen. DEFENDANT made a recorded oral statement as to the elements of the charge.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offenses on 02/15/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Benjamin BEIVEDES, knowing that it was not issued or designed for his use, in order to gain admission into the United States.


Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

02/16/08 1550L
DATE TIME


UNITED STATES MAGISTRATE JUDGE

2/16/08 1659hrs
DATE TIME